

Notice of Allowability

Application No.

09/990,553

Applicant(s)

SIMMONS ET AL.

Examiner

Cicely Ware

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to November 21, 2001.
2. ☒ The allowed claim(s) is/are 32-54, renumbered as 1-23 respectively.
3. ☒ The drawings filed on 21 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>1</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney David Cochran on March 4, 2005:

IN THE CLAIMS:

- a. Claim 33, line 1, delete "Communication", insert "communication".
- b. Claim 34, line 1, delete "Communication", insert "communication".
- c. Claim 35, line 1, delete "Communication", insert "communication".
- d. Claim 36, line 1, delete "Communication", insert "communication".
- e. Claim 37, line 1, delete "Communication", insert "communication".
- f. Claim 38, line 1, delete "Communication", insert "communication".
- g. Claim 39, line 1, delete "Communication", insert "communication".
- h. Claim 40, line 1, delete "Communication", insert "communication".
- i. Claim 41, line 1, delete "Communication", insert "communication".
- j. Claim 42, line 1, delete "Communication", insert "communication".
- k. Claim 43, line 1, delete "Communication", insert "communication".
- l. Claim 44, line 1, delete "Communication", insert "communication".
- m. Claim 45, line 1, delete "Communication", insert "communication".

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- n. Claim 46, line 1, delete "Communication", insert "communication".
- o. Claim 47, line 1, delete "Communication", insert "communication".
- p. Claim 48, line 1, delete "Communication", insert "communication".
- q. Claim 49, line 1, delete "Communication", insert "communication".
- r. Claim 50, line 1, delete "Communication", insert "communication".
- s. Claim 51, line 1, delete "Communication", insert "communication".
- t. Claim 52, line 1, delete "Communication", insert "communication".
- u. Claim 53, line 1, delete "Communication", insert "communication".
- v. Claim 54, line 1, delete "Communication", insert "communication".

REASONS FOR ALLOWANCE

1. The following is a statement of reasons for the indication of allowable subject matter: The instant application discloses a communication signal receiver. Prior art references show similar methods but fail to teach: **“the frequency control signal generated by the background processing section being the inverse of the frequency control signal generated by the foreground processing section”**, as in claims 1 and 48.

Conclusion


2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cicely Ware whose telephone number is 571-272-3047. The examiner can normally be reached on Monday – Friday, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cicely Ware

cqw
March 20, 2005


AMANDA T. LE
PRIMARY EXAMINER